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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,867	04/17/2000	James N. Freeman		1611

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ALCATEL INTERNETWORKING SYSTEM, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	10

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,867

Applicant(s)

FREEMAN, JAMES N.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/9/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. **Claims 1-19** as amended are still in consideration for this application. Applicant has amended claims **1, 4, 9, and 14**.
2. Examiner **withdraws** the drawing objection(s) for Office action filed 11/07/03.
3. Examiner **withdraws** the specification objection(s) for Office action filed 11/07/03.
4. Examiner does **not withdraw** the anticipated rejection to *Fan* for Office action filed 11/07/03. In response to applicant's arguments filed 02/09/04, applicant has amended the claims to further clarify that an address is used solely within a switch to distribute the data. Examiner notes a broad but reasonable interpretation of "to distribute the data". In particular, the current examiner agrees with the previous examiner's analysis such that the virtual network as described by *Fan* comprises a single "virtual" switch (e.g., see figure 1 and column 4, lines 47-62). In particular, the addresses used in the virtual network area are "isolated" from the external world. In particular, note that the entire virtual network may consist of either a routing device or a set of routing device (i.e., one switch), e.g., see column 4, line 54.
5. Examiner **withdraws** the anticipated rejection to *Ross* for Office action filed 11/07/03. In response to applicant's arguments filed 02/09/04, the examiner did not see the logic of the previous examiner's argument and has thus withdrawn the rejection. However, the rejection has been replaced with a new rejection and includes similar reasoning as present above for the previous rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-3, 4, 6, 9-11, 14-18** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,625,124 B1 to *Fan et al.* (“*Fan*”).

As to **claims 1 and 9**, see figure 1 of *Fan* with respect to an intra-switch (R/M 24) that is interconnected to network 26. With respect to assigning addresses, Long addresses of the network are found by the sending of a control packet between each device (column 14, lines 1-14). Once every device had been accounted for, the long addresses are sorted and then assigned a corresponding short addresses that are picked from reserved addresses within the switches of the nodes (column 5, lines 32-42; column 17, lines 1-14). These short addresses are applied locally only, within the switching apparatuses of the nodes, while the long addresses are globally applied to the Internet (column 3, lines 33-39).

As to **claim 3**, see e.g., column 6, lines 1-16; column 3, lines 65-67 and column 4, lines 1-4.

As to **claims 4 and 6**, *Fan* further discloses that the invention uses dual addressing e.g., see column 5, lines 43-59 and column 3, lines 23-32.

As to **claims 11 and 17**, see similar rejection for claim 3.

Art Unit: 2663

As to **claims 2**, see e.g., column 4, lines 46-63.

As to **claims 10 and 18**, see similar rejection to claim 1.

As to **claims 14**, see combination of rejections for claims 1 and 3.

As to **claim 15**, see similar rejection to claim 2.

As to **claim 16**, see e.g., column 8, lines 13-28.

8. **Claims 1, 4, 5, 7-9, 10 and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,101,552 A to *Chiang et al.* ("*Chiang*").

As to **claim 1**, see figure 3 of *Chiang* with respect to an intra-switch (virtual IP gateway devices 35 and 45) that is interconnected to a Legitimate Internet 50 (i.e., second embodiment of *Chiang*). In particular the virtual internets 30 and 40 act as a switch. With respect to assigning addresses, *Chiang* teaches that the virtual internet addresses are selected/allocated from a specific range of legitimate internet addresses (column 4, lines 36-37). Specifically addresses are allocated by carving up blocks of addresses (e.g., see column 4, lines 37-46). Examiner focuses particular attention on figure 3 with respect to the allocation of blocks of addresses. In particular, note that the intra-network addresses are 140.113.x.x and the Inter-network addresses ranges are 140.115.x.x and 140.116.x.x respectively (i.e., blocks used for the inter-network addresses do not overlap with the intra-network since the gateway device performs a routing/forwarding function).

As to **claim 4**, see similar rejection to claim 1. Examiner notes a reasonable but broad interpretation of "manufacturer" (i.e., the assumption is that a manufacturer is allocated a block of addresses for a virtual network and a network address to communicate on the legitimate internet).

Art Unit: 2663

As to **claim 5**, see similar rejection for claim 4.

As to **claim 7**, see similar rejection for claim 4. With respect to figure 3, address A3 is part of the 140.113.191.x block for a virtual network and addresses A1 and A2 are from either blocks 140.115.x.x or 140.114.215.x networks respectfully.

As to **claim 8**, see similar rejection for claim 4.

As to **claim 9**, see similar rejection for claim 1.

As to **claim 10**, see similar rejection for claim 1.

As to **claim 12**, see similar rejection for claim 7.

Allowable Subject Matter

9. **Claim 19** is allowed.

10. **Claim 13** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF




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3/1/07